# UNITED STATES PATENT AND TRADEMARK OFFICE

| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
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| 09/900,584 | 07/06/2001 | Takehiko Nakano | SONYJP 3.0-187 | 4124 |

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| 7590      12/28/2004 | **EXAMINER** |
| LERNER, DAVID, LITTENBERG, KRUMHOLZ & MENTLIK, LLP | ALOMARI, FIRAS B |
| 600 SOUTH AVENUE WEST | |

| ART UNIT | PAPER NUMBER |
|---|---|
| 2136 | |

DATE MAILED: 12/28/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

*-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --*

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE _3_ MONTH(S) FROM
THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed
  after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any
  earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

1)☐ Responsive to communication(s) filed on _06 July 2001_.

2a)☐ This action is **FINAL.**          2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is
closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

4)☐ Claim(s) _1-11_ is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) _1-11_ is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

**Application Papers**

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☒ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

12)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☒ All   b)☐ Some * c)☐ None of:

        1.☒ Certified copies of the priority documents have been received.

        2.☐ Certified copies of the priority documents have been received in Application No. _____.

        3.☐ Copies of the certified copies of the priority documents have been received in this National Stage
        application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
    Paper No(s)/Mail Date _____.

4) ☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

## DETAILED ACTION

### *Claim Rejections - 35 USC § 103*

1.    The following is a quotation of 35 U.S.C. 103(a) which forms the basis for

all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described
> as set forth in section 102 of this title, if the differences between the subject matter sought to
> be patented and the prior art are such that the subject matter as a whole would have been
> obvious at the time the invention was made to a person having ordinary skill in the art to which
> said subject matter pertains.  Patentability shall not be negatived by the manner in which the
> invention was made.

2.    Claims 1-11 are rejected under 35 U.S.C. 103(a) as being unpatentable

over Yoshiura et al. US (6,131,162) in view of Iida US (6,209,787).


As per claim 1,4-5, and 9-11: Yoshiura discloses

An information processing apparatus for transmitting content to another

apparatus via a network, said information processing apparatus comprising:

- An encryption unit operable to encrypt the content; (item 115 of FIG. 2 and

  Col 12, lines7-8)

- An authentication unit operable to perform an authentication procedure

  with the another apparatus when the another apparatus requests

  permission to receive the encrypted content, said authentication

  procedure providing an authentication result; (items 114 and 122 of FIG. 2

  and Col 12, lines 4-7)

- A transmitter operable to transmit a decryption key for decrypting the encrypted content to the another apparatus based on said authentication result; (Col 13, lines 8-13)

- A first obtaining unit operable to obtain identification information of the another apparatus based on said authentication result; (Col 14, lines 26-34)

- A first counting unit operable to count a total number of units desiring to receive the encrypted content based on said identification information; Yoshiura et al. do not explicitly explain a counting unit in the system. However Iida teaches the using of a counting unit (column 47, lines 53-64) to count the number of times for which the musical composition is used (Column 52, lines 58-68). Therefore, it would be obvious to a person of ordinary skill in the art at the time the invention was made to modify the system of Yoshiura with the teaching of Iida to count the total number of units desiring to receive any specific content. One would be motivated to do so in order to keep track of user access to specific content for accounting purposes.

- A storage unit operable to store said identification information of the another apparatus; and (Col 12, lines 9-10)

- A controller operable to control a total number of units approved to receive the encrypted content based on said total number of units desiring to receive the encrypted content. (Col 13, lines 8-26)

As per claim 2: Yoshiura discloses

An information processing apparatus according to Claim 1, further comprising:

- a second obtaining unit operable to obtain a number of additional units
  desiring to receive the encrypted content from the another apparatus
  based on said authentication result; and (Col 15, lines 39-42 / multiple
  providers and right holders system)

- A second counting unit operable to count a total number of units of the
  another apparatus desiring to receive the encrypted content based on said
  number of additional units distribution; Yoshiura et al. do not explicitly
  explain a counting unit in the system. However Iida teaches the using of a
  counting unit (column 47, lines 53-64) to count the number of times for
  which the musical composition is used (Column 52, lines 58-68).
  Therefore, it would be obvious to a person of ordinary skill in the art at the
  time the invention was made to modify the system of Yoshiura with the
  teaching of Iida to count the total number of units desiring to receive any
  specific content. One would be motivated to do so in order to keep track of
  user access to specific content for accounting purposes.

As per claim 3: Yoshiura discloses

An information processing apparatus according to Claim 1, further comprising:

- an information updating unit operable to delete said identification
  information stored in said storage unit and to reset said total number of

units approved to receive the encrypted content when said decryption key

is changed. (items 11103 and 1801 of FIG. 19; Col 24 lines 41)


As per claim 6:

information processing apparatus for receiving content from apparatus network,

said information processing apparatus comprising:

- A first transmitter operable to transmit the first apparatus a request for

  permission receive content; (Col 23,lines 8-11)

- authentication unit operable perform first authentication procedure with the

  first apparatus, said first authentication procedure producing a first

  authentication result; (items 114 and 122 of FIG. 2 and Col 12, lines 4-7)

- receiver operable to receive from the first apparatus a first decryption key

  for decrypting the content based on first authentication result; (Col 13,

  lines 8-13)

- a second transmitter operable to transmit the content received from the

  first apparatus to a second apparatus via a second network; (Col 13, lines

  22-26)

- a second authentication unit operable to perform a second authentication

  procedure with said second apparatus when a request for permission to

  receive the content is made from said second apparatus, said second

  authentication procedure producing a second authentication result; (Col

  24, lines 21-31)

- a third transmitter operable to transmit a second decryption key to said second apparatus based on said second authentication result; (Col 13, lines 8-13)

- a first obtaining unit operable to obtain identification information of said second apparatus based on said second authentication result; (Col 14, lines 26-34)

- a first counting unit operable to count a number of units desiring to receive the content based on said identification information; Yoshiura et al. do not explicitly explain a counting unit in the system. However Iida teaches the using of a counting unit (column 47, lines 53-64) to count the number of times for which the musical composition is used (Column 52, lines 58-68). Therefore, it would be obvious to a person of ordinary skill in the art at the time the invention was made to modify the system of Yoshiura with the teaching of Iida to count the total number of units desiring to receive any specific content. One would be motivated to do so in order to keep track of user access to specific content for accounting purposes.

- a storage unit operable to store said identification information of said second  apparatus; and (Col 12, lines 9-10)

- a controller operable to control a number of units approved to receive the content based on said number of units desiring to receive the content. (Col 13, lines 8-26)

As per claim 7:

An information processing apparatus according to Claim 6, further

comprising:

- a decryption unit operable to decrypt the content; and (item 115 of FIG.

    2 and Col 12, lines7-8)

- an encryption unit operable to encrypt the content decrypted by said

    decryption unit. (item 14 of FIG. 2 and Col 12, lines 17-21)


As per claim 8: Yoshiura discloses

information processing apparatus according to Claim 6, further comprising:

- a fourth transmitter operable to transmit said number of units desiring to

    receive the content to the first apparatus based on said first authentication

    result; (Col 15, lines 38-42; Yoshiura describes one embodiment of his

    invention containing a plurality of providers and right holders, the providers

    are the transmitters)

- a second obtaining unit operable to obtain a number if additional units

    desiring to receive the content from said second apparatus based on said

    authentication result; and (Col 14, lines 26-34)

- a second counting unit operable to count a total number of units of said

    second apparatus desiring to receive the content based on said number of

    additional units. Yoshiura et al. do not explicitly explain a counting unit in

    the system. However Iida teaches the using of a counting unit (column 47,

    lines 53-64) to count the number of times for which the musical

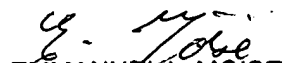    composition is used (Column 52, lines 58-68). Therefore, it would be

obvious to a person of ordinary skill in the art at the time the invention was made to modify the system of Yoshiura with the teaching of Iida to count the total number of units desiring to receive any specific content. One would be motivated to do so in order to keep track of user access to specific content for accounting purposes.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Firas Alomari whose telephone number is (571)272-7963. The examiner can normally be reached on Mon-Fri.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, AYAZ SHEIKH can be reached on (571)272-3795. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

EMMANUEL L. MOISE
PRIMARY EXAMINER

Firas Alomari
Examiner

Art Unit 2136

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